

STATEMENT

BY

GOVERNOR PRESTON SMITH

TO THE MEMBERS OF THE SIXTY-FIRST LEGISLATURE, SECOND CALLED SESSION:

STATEMENT OF OBJECTIONS TO ITEMS IN HOUSE BILL NO. 1

Under the provisions of Article IV, Section 14, of the Texas Constitution, am herewith returning to you with my objections certain rider provisions contained in House Bill No. 1 of the Sixty-First Legislature, Second Called Session.

I have signed into law and filed with the Secretary of State all the other items contained in House Bill No. 1.

Although I have some doubts as to the Governor's constitutional authority to veto language in an appropriation bill, I feel that in view of the requests of members of the Legislature and my objections to these provisions and the doubtful validity of these provisions as they appear in the appropriation bill, I am compelled to make every possible effort within my power to strike down and/or point out the invalidity of the following provisions:

1. The rider provision reading as follows:

"It is the intent of the Legislature that each full-time faculty member who is paid wholly from the item 'Faculty Salaries' will teach a minimum of twelve (12) classroom hours per week. Any faculty member who is paid partly from the item 'Faculty Salaries' and partly from other items of appropriation shall teach a number of classroom hours in proportion to the salary paid from 'Faculty Salaries.' "

as it appears at page IV-30 [page 495 herein], immediately following the appropriation pattern for the University of Texas at Austin;

and as it appears at page IV-44 [page 509 herein], the paragraph immediately following the appropriation pattern for Texas A & M University;

and as it appears at page IV-57 [page 522 herein], in the paragraph immediately following the appropriation pattern for Texas Technological University;

and as it appears at page IV-67 and IV-68 [pages 532 and 533 herein], in the paragraph immediately following the appropriation pattern for the University of Houston.

This provision as applied to these Universities is not mandatory, not enforceable and expresses only the intention of the Legislature. If this provision were mandatory, it would be unconstitutional unless it were the subject of another

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statute and general law and not an additional subject contained in the appropriation bill.

2. The rider provision reading as follows:

"On all purchases made by state agencies and institutions covered by this Act requiring letting of bids, the low bid shall be accepted unless otherwise authorized in writing by the Governor."

as it appears at page V-46 [page 604 herein], Section 26. This provision is unconstitutional in that it is an attempt to amend the general law on letting of bids by a rider in the appropriation bill.

3. The rider provision reading as follows:

"No professional fees and services shall be paid from funds appropriated by this Act or authorized for use by this Act to any person who is paid a salary by the State of Texas."

as it appears at page V-32 [page 590 herein], Section 3A. This provision is vetoed at the request of the Senate sponsor of this bill for the reason that it did not meet with the approval of the members of the Senate and time prohibited the amendment of the bill and for the further reason that this provision could place a great handicap on some of the State agencies and departments in the administration of their affairs by prohibiting the utilization of the professional services of other employees of the state and specialist including experts employed at the many institutions of higher education.

4. The rider provision reading as follows:

"It is legislative intent that no admission charges shall be made in any park that is not funded from the Department's bond program."

as it appears at page III-116 [page 410 herein], the fourth paragraph. This provision is not mandatory but directory only and if mandatory would be unconstitutional as an attempt to amend the general law by language in the appropriation bill.

5. The rider provision reading as follows:

"None of the funds appropriated above may be spent on Departmental aircraft unless the aircraft is used for wildlife conservation purposes."

as it appears at page III-116 [page 410 herein], the fifth paragraph. This provision is meaningless since the slightest use of an aircraft for wildlife conservation purposes would exempt it from the provisions of this rider. Further, an attempt to unduly restrict an agency in the performance of its statutory duties is not a proper subject for language in the appropriation bill but is a matter of general law to be legislated by a separate bill.

For the reasons and with the objections stated above, I am herewith returning these items.

Filed 10:00 a. m., August 30, 1969.

Respectfully submitted,
PRESTON SMITH
Governor of Texas